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EXAMINER

LONSBERRY, HUNTER B

ART UNIT PAPER NUMBER

2611

DATE MAILED: 11/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/664,275

Applicant(s)

MOREAU ET AL.

Examiner

Hunter B. Lonsberry

Art Unit

2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 September 2003 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 12/15/03.

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1- 10 and 12-15 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Application Publication 2005/0149972 to Knudson.

Regarding claim 1, Knudson discloses a user interface (figures 4,5,10)comprising:

A blending of television program choices from which a view may select (figure 4, paragraphs 46-48) TV program choice 151, VOD choice 152, user selects via FAV button), the blending representing options for linear (television choice) and non linear (VOD choice) programming presented together (figure 4) within a single hierarchy of a designated category (category is favorite channels).

Regarding claim 2, Knudson discloses that the blending further includes managed content relevant to the designated category (paragraphs 46-48, a users favorite channels which carry the users favorite content are displayed).

Regarding claim 3, Knudson discloses that the designated category comprises a favorite television programming category (paragraphs 46-48).

Regarding claim 4, Knudson discloses in figure 8, that the category may include a favorite media type (paragraph 43).

Regarding claim 5, Knudson discloses in figure 4, that both the linear and non-linear programming are presented together within a single screen of the user interface.

Regarding claim 6, Knudson discloses a user interface for interactive TV (figures 4-5, 8-10, paragraphs 46-48), comprising a navigational hierarchy (figure 4) that blends linear (TV program choice 151) non linear (VOD choice 152) and information services (NASDAQ 154) in a single presentation (figure 4).

Regarding claim 7, Knudson discloses that the programming choices are a set of all available programming options (paragraphs 42-43, and 46).

Regarding claim 8, Knudson discloses that the blend of programming options is presented as a subset (favorite lists) of all available program options (figures 4-5, paragraphs 48-50).

Regarding claim 9, Knudson discloses that the navigation hierarchy is presented in a single screen of information (figures 4-5).

Regarding claim 10, Knudson discloses that the blending of information services with linear and non linear programming information is done at multiple levels of content categorization (42-44, category type, media type).

Regarding claim 12, Knudson discloses that the blending may be preformed according to categories of programming (paragraphs 42-43).

Regarding claim 13, Knudson discloses that the categories comprise content categories (favorite contents, figure 4, paragraph 42-44, 48,50).

Regarding claim 14, Knudson shows in figure 4, that the blending spans content delivery types (television, VOD) and content categories (games, television, digital audio).

Regarding claim 15, Knudson discloses that categories may comprise content provider categories (figure 8, television provider category).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication 2005/0149972 to Knudson in view of U.S. Patent 6,219,839 to Sampsell.

Regarding claim 11, Knudson discloses in figure 1, that a VCR 46 is coupled to a STB 44.

Knudson fails to disclose the use of non linear program information, which is about programs recorded on a subscriber storage unit.

Sampsell discloses a guide which displays both linear programming (ESPN), as well as non linear programming (column 4, line 66-column 5, line 10, column 7, lines 22-58), a user may select a program recorded on the VCR, watch a DVD, listen to a CD, or set their VCR to record a program, thus enabling a user to easily browse all their viewing options.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Knudson to display recorded programming, as taught by Sampsell, for the advantage of enabling a user to easily browse all available entertainment options.

3. Claims 16-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication 2005/0149972 to Knudson in view of U.S. Patent 6,177,931 to Alexander.

Regarding claim 16, Knudson discloses in figure 5, a user interface comprising a single screen having various regions thereof for displaying non-linear (movie1 video on demand) linear programming information (SHO Television) and displays managed content listings (figure 4, NASDAQ).

Knudson fails to disclose if the managed content is relevant to the linear and non linear programming.

Alexander discloses an EPG in which a user browsing the EPG may select a title within the grid, an icon indicates the availability of managed content, a user elects to display the content after which the EPG connects to an Internet website and enables a user to learn more about the program or chat about the program (column 18, lines 1-54).

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Knudson to utilize the relevancy between managed content and linear/non-linear content, as taught by Alexander, for the advantage of enabling a user to learn more about a program choice.

Regarding claim 17, Knudson shows in figure 5, that the linear and non linear programming information are within a common content category (Favorite channels)

Regarding claim 18, Knudson discloses that the linear and non linear programming are provided to the STB 44 from a communication facility 36 (figure 1, paragraphs 33-36), thus the linear and non linear programming are within a common content provider category.

Regarding claim 19, Knudson discloses in figure 5, a user interface which displays linear and non linear program information.

Knudson fails to disclose the use of a scaled video presentation area.

Alexander discloses in figure 3, an electronic program guide interface in which a scaled video window (Figure 8, PIP window) displays the last tuned to program (column 13, lines 56-63) while a user browses program selections.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Knudson to utilize the scaled window of Alexander, for the advantage of enabling a user to keep track of the progress of a program while making a program selection.

Regarding claim 20, Knudson discloses enabling a user to scroll through content offerings provided (figures 4-5, arrow buttons and highlighted cell in figure 4).



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Regarding claim 21, Knudson discloses scrolling buttons in figure 4.

Knudson does not disclose presenting video information in the scaled video presentation area being dependant upon scrolling via the navigation control.

Alexander discloses in figure 3, an electronic program guide interface in which a scaled video window (Figure 8, PIP window) displays the program in the currently highlighted cell (column 13, lines 56-63), thus increasing the ease of browsing programming choices.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Knudson to display the currently highlighted program choice in the scaled window, as taught by Alexander, for the advantage of increasing the ease of use while browsing programming choices.

Regarding claim 22, Knudson discloses displaying favorite channels in figure 5.

Knudson fails to disclose a navigation control, which includes a category descriptor.

Alexander discloses in figure 8, a number of selectable buttons (gird, sort, schedule) and includes a category descriptor Movies: All, thus enabling a user to easily recognize the type of programming they are browsing.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Knudson to utilize the category descriptor of Alexander for the advantage of making it easily recognizable for the user to determine what category of programming they are browsing.

Regarding claim 23, Knudson discloses displaying content offerings, which comprise a family of channels (figure 5). As a family is a group of related units, and figure 5, shows a list of channels, all of which are related to one another, by the virtue of being a favorite of the user, there is a familial relationship between the channels.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent 5,883,677 to Hofmann: Method and Apparatus for Managing Multiple Outside Video Service Providers.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hunter B. Lonsberry whose telephone number is 571-272-7298. The examiner can normally be reached on Monday-Friday during normal business hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant can be reached on 571-272-7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HBL



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